


Approved:   
BENJAMIN A. GIANFORTI  
Assistant United States Attorney

20-MJ-11963

Before: THE HONORABLE PAUL E. DAVISON  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. -

: Violation of  
18 U.S.C. §§ 922(g)(1)  
and 2

RASHAAD WEBB,  
a/k/a "Shaady,"

: COUNTY OF OFFENSE:  
WESTCHESTER

Defendant.

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SOUTHERN DISTRICT OF NEW YORK, ss.:

ENZO BAIA, being duly sworn, deposes and says that he is a Task Force Officer ("TFO") with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE

(Felon in Possession of Ammunition)

1. On or about October 7, 2020, in the Southern District of New York and elsewhere, RASHAAD WEBB, a/k/a "Shaady," the defendant, knowing he had previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess ammunition, to wit, approximately 28 rounds of 9 mm caliber Remington ammunition (the "Ammunition"), and the Ammunition was in and affecting commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

2. I am a TFO with the FBI, and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law

enforcement agents, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part.

3. Based on my review of law enforcement reports, other information, and surveillance camera footage, my discussions with law enforcement officers, and my personal involvement in this investigation, I have learned the following, in substance and in part:

a. On or about October 7, 2020, at approximately 10:09 PM, officers with the Mount Vernon Police Department ("MVPD") conducted a traffic stop on a black 2020 Buick Enclave bearing a Florida license plate (the "Enclave"). According to my review of publicly available information about the Buick Enclave, it is manufactured at a height of approximately 69.6 inches.

b. The stop was conducted in the vicinity of West Lincoln Avenue and Oak Street in Mount Vernon, New York. The driver, a black male, was the sole occupant of the Enclave and provided the police officers with his driver's license. The person depicted on the driver's license was RASHAAD WEBB, a/k/a "Shaady," the defendant. Later, one of the officers who conducted the traffic stop ("Officer-1") identified WEBB out of a "six pack" photo array as the man whom Officer-1 had pulled over in the Enclave.

c. According to Officer-1, a strong odor of marijuana was emanating from the Enclave. Officer-1 asked WEBB if there was marijuana in the car, at which point WEBB turned over two baggies of what appeared to be marijuana to Officer-1. When Officer-1 asked WEBB to step out of the car, WEBB put the car in drive and fled at a high rate of speed northeast on West Lincoln Avenue. WEBB then took a right turn onto West Sidney Avenue and out of sight. West Sidney Avenue is approximately two blocks north of the intersection of West Lincoln Avenue and Oak Street, where the traffic stop was conducted.

d. Officers with the MVPD recovered surveillance camera footage from certain buildings along North Tenth Avenue. North Tenth Avenue is a one-way street running northbound and runs parallel to West Lincoln Avenue a block

east. As discussed below, North Tenth Avenue is believed to be along the route that WEBB used to flee from the traffic stop.

e. Surveillance camera footage was recovered from two cameras at 50-52 North Tenth Avenue ("50-52"), a building which sits on the west side of the street on the first block south of West Sidney Avenue. Both of the surveillance cameras at 50-52 overlook the street and a church directly across the street at 53 North Tenth Avenue (the "Church"), with one camera facing northbound and the other facing southbound. The video taken from these cameras is in color.

f. At approximately 10:09 PM - i.e., within seconds of WEBB's traffic stop around the corner - the cameras at 50-52 captured a black SUV resembling the Enclave traveling the wrong way, southbound on North Tenth Avenue, at a high rate of speed. This is consistent with the Enclave having taken an immediate right onto North Tenth Avenue after turning onto West Sidney Avenue from West Lincoln Avenue, as described above.

g. As reflected in the surveillance camera footage, as the SUV passed the Church, a dark object resembling a handgun was thrown from the driver's side of the vehicle, striking a low stone wall in front of the Church and coming to rest on the sidewalk in front of the Church. The SUV continued southbound on North Tenth Avenue until out of sight of the cameras.

h. Surveillance camera footage was also recovered from 38 North Tenth Avenue ("38"), which is a block south of 50-52, on the west side of the street. The video taken from 38 is in black and white. 38 has a parking lot that wraps around to the back of the building from an entrance on North Tenth Avenue. At approximately 10:09<sup>1</sup> - i.e., within seconds of the SUV speeding by the Church - what appears to be the same SUV entered the parking lot quickly and parked in the rear of the building, blocking at least one parking space. A black male wearing a grey hoodie, grey sweat pants, a white tank-top undershirt, and black and white sneakers got out of the SUV, took a couple steps away from the SUV, and then returned to the SUV to retrieve something from the front passenger seat. The black male then walked off screen carrying what appears to be a dark object. Based on subsequent video footage described below, I believe that the dark object was a sweatshirt that the black

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<sup>1</sup> According to a MPPD report that I have reviewed, the video's actual timestamp was approximately two minutes fast.

male put on at some point between approximately 10:20 PM and 10:27 PM. The black male stood approximately a head taller than the SUV; based on my review of WEBB's criminal history, I know that WEBB is approximately 6 feet, 6 inches (or 78 inches) tall.

i. At approximately 10:20 PM, the cameras at 50-52 captured a dark grey four-door sedan with tinted windows driving northbound on North Tenth Avenue and parking in front of the Church. Based on my review of search results from a vehicle registration database, I know that WEBB is the registered owner of a grey 2015 Honda Accord sedan, which is consistent with the car captured on the video. A tall black male wearing a grey hoodie, grey sweat pants, a white tank-top undershirt, and black and white sneakers got out of the front passenger side of the car and began looking around the area, including under parked cars, with his cellphone's flashlight. Apparently not finding what he was looking for, the black male got back into the sedan and was driven away. Based on the black male's height and outfit, I believe that this is the same black male described above.

j. At approximately 10:27 PM, the camera facing the parking lot at 38, captured another car driving into the lot and apparently attempting to park in a spot blocked by the SUV. At approximately 10:29 PM, the same camera captured a black male walking to the parking lot, engaging with the driver of the car attempting to park, and then backing the SUV out of the parking lot. The black male was approximately the same height as the black male seen earlier and was wearing grey sweat pants and black and white sneakers. The black male was now wearing a sweatshirt with a thick white stripe on the front and thinner white stripes around the shoulders. In the black and white video, the sweatshirt appears grey. Based on the black male's height and outfit, I believe that this is the same black male described above.

k. At approximately 10:33 PM, the cameras at 50-52 captured a dark grey four-door sedan with tinted windows backing the wrong way down North Tenth Avenue and parking in front of the Church. The driver, a tall black male, wearing a grey sweat pants, black and white sneakers, and a red sweatshirt with a thick white stripe on the front and thinner white stripes around the shoulders got out of the car, retrieved what appeared to be a gun from the sidewalk at the location where the object that appeared to be a gun was thrown earlier, got back into the car, and drove away. Based on the black male's height and

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outfit, I believe that this is the same black male, with the same sweatshirt, described above.

l. At approximately 11:27 PM, MVPD received a call from a witness who stated that he/she had come across bullets on the sidewalk in front of the Church. Thereafter, officers with the MVPD found, among other things, the following strewn around the area where the object that appeared to be a gun had been thrown and then retrieved earlier: the Ammunition and the base plate and spring of a handgun magazine. The officers also found the Enclave, which, as noted above, I believe to be the SUV captured in the surveillance footage, parked on the street in front of 44 North Tenth Avenue.

m. In summary, I respectfully submit that, based on the timing of the events described above and the surveillance footage recovered from North Tenth Avenue, there is probable cause to believe the following: WEBB fled from the traffic stop at a high rate of speed in the Enclave and travelled down North Tenth Avenue, where he threw a handgun from the car, causing the handgun's magazine to break apart upon impact with the stone wall or the sidewalk in front of the Church. WEBB then went back to the Church and recovered the handgun, leaving behind the Ammunition, which was recovered by law enforcement.

4. Based on my review of a report prepared by a Special Agent from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, I have learned that the Ammunition was manufactured outside of New York State.

5. I have reviewed a criminal history report for RASHAAD WEBB, a/k/a "Shaady," the defendant, from which I have learned that, on or about November 29, 2012, WEBB was sentenced to three to six years' imprisonment following his conviction in New York County Supreme Court of robbery in the first degree, in violation of New York Penal Law Section ("NYPL") 160.15(2). In addition, on or about July 23, 2012, WEBB was sentenced to six years' imprisonment following his conviction in Bronx County Supreme Court of robbery in the first degree, in violation of NYPL 160.15(4).

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WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of RASHAAD WEBB, a/k/a "Shaady," the defendant, and that he be imprisoned or bailed, as the case may be.

/s/ Enzo Baia (credentials inspected, badge # 134)

Enzo Baia

Task Force Officer

FBI

Sworn to me through the transmission of this Affidavit by reliable electronic means, pursuant to Federal Rules of Criminal Procedure 41(d)(3) and 4.1, this 6th day of November, 2020.

A handwritten signature in black ink, appearing to read 'P. E. Davison', with a horizontal line extending to the right.

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THE HONORABLE PAUL E. DAVISON  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK